



UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING
CM/ECF PROCEDURES MANUAL

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I. DEFINITIONS AND ACRONYMS

CM/ECF - Case Management/Electronic Case Filing

PACER - Public Access to Court Electronic Records

NEF - Notice of Electronic Filing

Electronic filing (E-filing)- Uploading your pleading in a Portable Document Format (PDF) by using the Electronic Case Filing System (ECF) via the Court's website at <https://ecf.wyd.uscourts.gov>.

Conventional Filing - Filing submitted to the Clerk's Office in paper form.

II. GENERAL INFORMATION

A. Prior to June 1, 2006

For all cases filed prior to June 1, 2006, a joint motion or stipulation requesting a case be deemed electronic is all that is needed to begin the process. Upon the granting of that motion or stipulation, the Clerk's Office will contact all counsel to ensure all training requirements have been met and the case will be an E-file (electronically-filed) case.

B. On/After June 1, 2006

Unless otherwise permitted by these administrative procedures, by local rule, or by a general order of the Court, all new civil and criminal cases filed on or after **June 1, 2006**, shall be e-filed cases. Documents shall be filed electronically in a PDF format using the CM/ECF system found at the Court's website at <https://ecf.wyd.uscourts.gov>. (See Section D for exceptions)

C. Public Access to CM/ECF and Electronic Filing

Electronic Access to CM/ECF is available to the public at no charge at the Clerk's Office in both Cheyenne and Casper during regular business hours. A copy fee for electronic reproduction is required in accordance with 28 USC 1914. The Court will also provide a scanning station and access to CM/ECF at the Clerk's Office in both Cheyenne and Casper for electronic filers.

D. Exceptions

i. In General

The District of Wyoming encourages all cases to be e-file cases. However, the Court is sensitive to the fact that there may be special circumstances on the part of counsel or filing parties. Therefore, there will be an "opt-out" provision for those who feel their case should not be an e-file case. The Court will approve any requests for "opting-out" on a case by case/party by party basis.

ii. Initiating Documents

Complaints, petitions, notices of removal, civil cover sheets, summonses,

indictments, informations and other case-initiating documents must be filed conventionally in the Clerk's Office, including the filing fee of \$350, if applicable, payable to the Clerk, U.S. District Court.

iii. Pro Se Parties

Pro Se parties may not use ECF and must file all their documents conventionally. These documents will be scanned and docketed by Clerk's Office staff.

By approval of the Court, non Pro Se parties may be allowed to e-file pleadings in this type of case.

iv. Social Security Cases

Social Security cases are governed by Section P of the civil portion of this manual (page 15).

v. Transcripts

Transcribers and Court Reporters shall file transcripts, in accordance with 28 USC 753(b), in paper unless otherwise ordered by the Court.

vi. Material That Cannot Be Converted to Electronic Form

Materials that cannot be converted to electronic form, (e.g., videotapes, audiotapes, etc.) must be filed conventionally by delivering them directly to the Clerk's Office.

vii. Sealed Documents and Documents for *In Camera* Review

Any document sought to be filed under seal or submitted for *In Camera* Review shall be filed conventionally and brought to the Clerk's office in a sealed envelope with a cover sheet attached. These documents shall be retained by the Court in paper format. It is the responsibility of the filing party to serve all sealed documents to the appropriate parties.

E. System Availability, Requirements and Help Desk

i. Availability

ECF will be available 24 hours a day, seven days a week. Advanced notice will be posted on the Court's web site for any scheduled downtime due to maintenance or upgrades.

ii. System Requirements

The following system requirements are needed to use ECF:

A personal computer running a standard platform such as Windows 95, Windows 98, Windows 2000, Windows XP or Macintosh.

A PDF compatible word processor like Macintosh or Windows based versions of WordPerfect and Word.

Adobe Acrobat PDF Writer software to convert documents from a word processor format to portable document format (PDF). Acrobat Writer

Versions 4.X, 5.0, 6.0 and 7.X adequately meet the CM/ECF filing requirements. Files that are converted rather than scanned are preferred.

Internet access and a web browser. CM/ECF has been certified with Netscape version 7.0 (or higher), and Internet Explorer version 5.5 (or higher). An Internet provider using Point to Point Protocol (PPP)

For viewing documents, not creating/authoring them, Adobe Acrobat Reader only is needed.

A scanner to transmit documents that are not in your word processing system (for example, attached exhibits that were not originally generated in your office). This is not the preferred format for documents; documents shall be generated directly from a word processing system whenever possible.

These requirements are also available at the court's website at:
www.ck10.uscourts.gov/wyoming/district/index.html.

iii. ECF Help Desk

The ECF help desk is available at the Clerk's Office Monday through Friday (excluding Federal holidays) from 8:30 am-12:00 pm and 1:00 pm-5:00 pm Mountain Time. You can call either the Cheyenne or Casper Clerk's Office for assistance, during normal hours. We have a toll-free number for your convenience. The toll-free help desk number will ring into the Cheyenne Clerk's Office. That number is 1-866-333-2099. In addition, you may request assistance via email at wyodcclerks@wyd.uscourts.gov.

F. Registration for PACER and ECF

i. PACER Registration

Documents filed with the Court are accessed through PACER. PACER registration is required for ECF. To register for PACER, complete the online form at <http://pacer.psc.uscourts.gov> or contact the PACER Service Center at (800) 676-6856 or (210) 301-6440. The Notice of Electronic Filing generated by each transaction permits the filer and each recipient "one free look" without charge to view, print and/or download documents filed. Any subsequent queries will require a PACER login. One PACER account can be shared by all attorneys/staff in a firm.

ii. ECF Registration

a. Attorney Admitted to Practice in this Court

Any attorney who is a member in good standing of the bar of this Court shall, before filing any pleading, register as a participant in ECF by completing the ECF registration form located on the Court's website at www.ck10.uscourts.gov/wyoming/district/index.html. It is located under the CM/ECF Information button. Each attorney will get a separate login and password, which shall act as their

“electronic signature.” Upon completion of required training, or by proof of training in another district, the Clerk’s Office will issue an ECF login and password. For information on training see subsection iv of this section.

b. Revocation of ECF Login and Access

The Court may, for good cause, revoke the ECF registration of an attorney at any time.

iii. Passwords

a. Issuing Passwords

Upon completion of registration and training, each attorney admitted to practice in the District of Wyoming shall be entitled to one login/password to CM/ECF.

b. Changing Passwords

After attorneys receive their initial password, they are highly encouraged to change it immediately. Instructions on how to do this may be found on our website at www.ck10.uscourts.gov/wyoming/district/index.html. Go to the CM/ECF Information button, then TIPS.

c. Restrictions on Use

No attorney shall permit or cause to permit his or her login/password to be used by anyone other than a person whom the attorney has authorized to file on the attorney’s behalf.

d. Responsibility and Sanctions

An attorney is responsible for all documents filed using his or her login/password and is subject to sanctions under Fed.R.Civ.P. 11.

e. Security of Password

If an attorney believes that the security of an existing login/password has been compromised or that an ECF account has been misused, the attorney must contact the Clerk’s Office and change their password immediately.

f. Change of E-Mail Address

An attorney whose e-mail address changes shall, within ten days, update the e-mail address in the account maintenance section of ECF.

iv. ECF Training

Training classes are offered in the Clerk’s Offices in Cheyenne and Casper, as well as various times/places throughout the state. The class runs approximately two hours in length, and is recognized for CLE credit. Attorneys are encouraged to attend training with their staff. Be advised

that *only* attorneys will be issued a CM/ECF login and password at the time of training. To sign up, please call (307) 433-2120 or email your desired class location and time to: Zac.Fisher@wyd.uscourts.gov.

G. Time of Filing Documents in ECF

i. Document Deemed Timely

A document will be deemed timely filed in ECF if it is filed prior to 12:00 am midnight (Mountain Time) on its due date, unless otherwise specified by the Court.

ii. ECF Technical Failure

In the event of a technical failure with the Court's ECF system, the Clerk's Office may deem the site unaccessible on a given day and documents due that day shall be due the day immediately following (advanced notice of any Court maintenance will be posted on the Court's website). Problems on the filer's end, such as telephone line problems, problems with the filer's Internet Service Provider, or hardware or software problems, will not constitute a technical failure under these procedures, nor excuse an untimely filing. A filer may use the computer facilities in the Clerk's Offices in Cheyenne or Casper to e-file their documents.

H. Public Access to ECF

i. Access at the Court for Research

Access to ECF for research (not filing) is available to the public during regular business hours at no charge. A public computer terminal is available at the Clerk's Offices in both Cheyenne and Casper. Copy fees may apply.

ii. Access at the Court for E-Filing

Access to e-file is available to any user who has obtained a CM/ECF login and password. A public computer terminal and scanner is available at the Clerk's Offices in both Cheyenne and Casper.

I. Electronic Filing, Service of Documents and Payment of Fees

i. Filing in ECF

All documents shall be electronically filed in ECF, except as otherwise provided by these procedures. E-mailing a document to the Clerk's Office or to a Judicial Officer does not constitute filing.

ii. Notice of Electronic Filing

The notice of electronic filing (NEF) shall serve as confirmation of the time/date a document was filed.

iii. Payment of Fees

A party e-filing a pleading which requires payment of a fee shall submit the fee separately to the U.S. District Court Clerk's Office in Cheyenne or Casper:

U.S. District Court Clerk
2120 Capitol Ave, Rm 2141
Cheyenne, WY 82001

U.S. District Court Clerk
111 S. Wolcott, Rm 121
Casper, WY 82601

J. Electronic Signature Options

i. /s/ Signature

A document requiring a signature must include a signature block with the filer's name, address, telephone number, fax number, e-mail address and represented party name. On the signature line a "/s/" can be used where the signature would otherwise appear.

ii. Signature Stamp

An electronic signature stamp can be created in a word processing program and used as the filer's signature. Also, a manual signature stamp can be placed on the document, scanned and then e-filed. A signature block with the filer's name, address, telephone number, fax number, e-mail address and represented party name is also required.

iii. No Signature

A signature line can be left blank on any e-filed document. However, a signature block with the filer's name, address, telephone number, fax number, e-mail address and represented party name is required.

iv. Filer's Signature on Other Documents

The login and password to CM/ECF serves as the filer's signature on all documents electronically filed with the Court. It also serves as the filer's signature for purposes of the Federal Rules of Civil Procedure, the Local Rules of this Court, and any other purpose for which a signature is required.

v. Multiple Signatures

When a stipulation or other document (e.g., a joint motion or joint exhibit list) requires two or more signatures:

- a.** the filer shall confirm that the content of the document is acceptable to all signatories by obtaining a (1) written, (2) e-mailed, or (3) facsimile authorization from counsel; and
- b.** the filer shall file the document electronically using one of the signature options outline in section J.

vi. Non-Attorney/Third-Party Signatures

If a document requires a signature other than that of the filer (e.g., an affidavit), the filer must obtain the ink signature of the signatory on the paper document. The filer shall then e-file the document using one of the signature options. By filing the document, the filer certifies that the document has been signed by all necessary parties, including affiant and notary if applicable, that the ink-signed version exists, and that the document will be available in the filer's office for inspection, if necessary.

- a. This rule includes all notarized documents.
- b. This rule includes all documents requiring the signature(s) of a non-attorney, but submitted by the filer (e.g. affiant).
- c. The electronically filed document, as it is maintained on the Court's servers, shall constitute the official version of that record.
- d. Upon request by an attorney of record, a *pro se* party or the Court, the ink signature version of the document must be made available for inspection.

K. Official Files and Records

i. Files

By January 1, 2007, the Clerk's Office will not maintain a paper Court file of any electronic case commenced on/after June 1, 2006, except as otherwise provided in these procedures.

ii. Official Record

The official Court record on/after June 1, 2006 shall be the electronic file maintained on the Court's servers and any documents or exhibits which have been conventionally submitted to the Clerk's Office.

iii. Filing for Purposes of Rules

Electronic transmission of a document to ECF consistent with these procedures, together with the transmission of a Notice of Electronic Filing (NEF) that the Court's system generates from the electronic submission, constitutes filing of the document for purposes of the Federal Rules of Civil Procedure and the Local Rules of this Court, and constitutes entry of the document on the docket kept by the Clerk under Fed.R.Civ.P. 58 and 79.

iv. Filer Required to Maintain Certain Documents

Documents (a) that are electronically filed and (b) that require signatures, other than or in addition to that of the filer (e.g., affidavits), must be maintained in paper form by the filer until two years after all time periods for appeal expire and all appeals are final. At the request of the Court, the filer must provide the documents for review.

v. Legible

Filers are required to verify that all documents are legible before the documents are filed electronically with the Court.

vi. Scanning

A document shall be converted to PDF directly out of the word processing version whenever possible.

III. E-FILING IN CIVIL CASES

A. Civil Menus Available to Attorneys

See Appendix A

B. Documents Not Available for E-Filing

The following documents cannot be e-filed and shall be conventionally submitted to the Clerk's Office. The pleading will be scanned and docketed by Clerk's Office staff:

Case-initiating documents (e.g., complaint, petition, notice of removal, civil cover sheet)

i. Service

A party may not serve a Complaint electronically. Service must be in accordance with Fed.R.Civ.P. 4.

ii. Summonses

Summonses submitted with a new case will be issued by the Clerk's Office and returned to the filer conventionally.

C. New Documents that Add or Delete Attorneys

i. Appearance

ECF only recognizes an appearance of an attorney who (a) signs a pleading/paper or (b) files an entry of appearance in ECF.

ii. Withdrawal of Appearance

Withdrawal of an appearance shall be in accordance with the Court's Local Rules. Upon entry of the Order granting withdrawal, the Clerk's Office shall terminate the movant as an attorney of record in that case in ECF.

iii. No Substitution of Counsel

There shall be no substitution of counsel without prior approval of the Court. Withdrawal and entry shall be done in accordance with the Court's Local Rules. Existing counsel may not withdraw and new counsel may not enter an appearance by filing a substitution of counsel.

D. Leave of Court

If filing a document that requires leave of the Court (e.g., an amended complaint, sur-reply brief, etc.), the filer shall submit the proposed document as an additional attachment to the motion.

E. Proposed Orders

A proposed order shall be submitted with all nondispositive motions. The proposed order shall be submitted as an additional attachment to the motion. If the proposed order does not require the filing of a motion, (e.g. Proposed Scheduling Order, Proposed Pre-Trial Order, etc.) it shall be emailed to the appropriate Judge's Chambers set forth below:

wyddb_WFDecf@wyd.uscourts.gov - Chief Judge William F. Downes

wyddb_CABecf@wyd.uscourts.gov - Judge Clarence A. Brimmer

wyddb_ABJecf@wyd.uscourts.gov - Judge Alan B. Johnson

wyojudgewcb@wyd.uscourts.gov - Magistrate Judge William C. Beaman

Please note: All proposed orders submitted to Judge Beaman, whether submitted with or without a motion, shall also be submitted by email to wyojudgewcb@wyd.uscourts.gov in a word processing format.

F. Service

i. Certificate of Service

A certificate of service is not necessary for an e-filed document if all parties are electronically served. A certificate of service shall be required for any service of documents by conventional methods.

Please Note: All pleadings in cases assigned to Judge Brimmer will need to be conventionally served on the parties and the Court, therefore a certificate of service is required for all pleadings. (See Order posted on the Court's website under CM/ECF Information tab).

ii. Notice of Electronic Filing Constitutes Service on ECF Participant

When a pleading or document is filed in ECF, ECF will generate a notice of electronic filing. If a recipient is a registered participant in ECF, the NEF shall constitute service of the document.

iii. Terminating and Reactivating Electronic Services

A user receiving electronic service in a case may notify the Clerk's Office that service should be terminated by filing a notice stating either (a) that an order for withdrawal for the user has been granted or (b) that the party the user represents is no longer pending in the case. Counsel may file a notice re-activating service with the Court in those situations where service has been terminated. To notify the Clerk's Office you may send an email to wyodcclerks@wyd.uscourts.gov.

iv. Service on Parties Not Registered for ECF

Filers are required to serve copies of any electronically filed pleading, document, or proposed order on parties not registered for ECF in accordance with the Federal Rules. When serving paper copies of documents that have been electronically filed, the filer shall include a copy of the NEF to provide the recipient with proof of the filing.

v. Paper Copies

A filer who is permitted or required to file paper copies of documents shall file with the Clerk's Office the original and one copy, and must also serve paper copies on all parties entitled to service or notice.

G. Issuance of Subpoenas

Registered users may e-file a praecipe for the issuance of subpoenas. The subpoenas shall be submitted as an additional attachment to the praecipe **in blank**. The Clerk's Office will issue the subpoenas and return them conventionally to the filer.

H. Oversized Electronic Documents; Exhibits to a Pleading, Motion Brief, or Other Paper

i. Size

The size limit for each PDF file/document filed in ECF is two megabytes (2,097,152 bytes). [Equivalent to approximately 80 pages of plain, typed text or 40 pages of scanned information.] Each electronically filed pleading exceeding the two megabyte limit requires the use of ECF's additional attachment feature.

ii. Color or Graphics

Because documents scanned in color or containing graphics take longer to upload, filers must configure scanners to scan documents in black and white at 200 dots per inch (dpi).

iii. Conventionally Submitted Materials

A party may conventionally submit, without seeking leave of Court (a) exhibits or materials that cannot be converted to electronic form (e.g., video tape, audio tape, etc.) or (b) voluminous records of administrative agencies in proceedings to review actions of such agencies or of state court proceedings in habeas corpus cases, where such records are not available in electronic format. Conventionally submitted materials must be submitted according to the following procedure.

a. Cover Page

Conventionally submitted materials shall be submitted with a paper cover page containing the case caption, a description of the materials submitted, and a designation of the pleading or motion to which the materials relate (e.g., "Videotape Deposition of John Doe, Exhibit 7 to Plaintiff's Motion for Summary Judgment"). The PDF version of the cover page shall be an ECF attachment to the electronically filed pleading, motion, or paper to which the materials relate.

b. Receipt of Conventionally Submitted Materials

The Clerk's office will note in ECF its receipt of the conventionally submitted materials with a text-only entry.

c. Service

The filer must serve the conventionally submitted materials on all other parties. The NEF generated by the electronic filing of the cover page and by the Court's text-only entry noting receipt of the materials shall not constitute service.

I. Trial Documents

Trial documents such as proposed jury instructions, exhibit lists, and proposed voir dire questions shall be electronically filed in ECF so that their filing can be part of the official record. The Court may impose additional requirements to

facilitate the use of documents at trial (e.g. require that a Word Perfect or Word version of the documents be submitted via e-mail to the appropriate Judge's chambers).

J. Docket Entries to be Made by the Filer

i. Title of Docket Entry

The filer is responsible for designating an appropriate docket entry title by using one of the docket event categories in ECF. If the filer is in doubt, he or she should contact the ECF help desk for assistance.

ii. Correction of Docket Entry

After a document is filed in ECF, corrections to the docket can only be made by the Clerk's Office. ECF will not permit the filer to make changes to a document or docket entry after the transaction has been submitted.

K. Correction of Filings

i. Document Filed in Error in Correct Case

A document filed in error in the correct case (e.g., wrong version of the document attached, wrong event code, etc.) shall remain part of the record as filed. Upon discovery of an error, the filer shall immediately post the correct document in the case in ECF, and modify the title of the pleading as appropriate (e.g., Amended).

ii. Document Filed in Wrong Case

If a document is filed in the wrong case the filer shall:

- a.** File a motion with proposed order requesting that the document be stricken in the case in which the incorrect filing was made; and
- b.** File the document in the correct case.

L. Bill of Costs

The proposed bills of costs shall be filed electronically in ECF using the docket event "Bill of Costs".

M. Appeals in General

When a notice of appeal is e-filed, it is not necessary to provide the Court with paper copies of the notice for service on the other parties. The NEF generated by the system will constitute the copy the Clerk is required to serve under Fed.R.App.P.3(d). Please note: Any required filing fee shall be submitted separately to the Clerk's Office.

N. Bonds and Negotiable Instruments

Upon the electronic filing of a bond, except for a supersedeas bond, or the attaching of a negotiable instrument, the original shall be transmitted to the Clerk's Office with a cover page noting that this document has been filed electronically and that the original is being filed in accordance with the Electronic Case Filing Procedures for the District of Wyoming.

A supersedeas bond requires Court approval and shall be emailed to the appropriate Judge's Chambers set forth below:

wyddb_WFDecf@wyd.uscourts.gov - Chief Judge William F. Downes

wyddb_CABecf@wyd.uscourts.gov - Judge Clarence A. Brimmer

wyddb_ABJecf@wyd.uscourts.gov - Judge Alan B. Johnson

wyddb_WCBecf@wyd.uscourts.gov - Magistrate Judge William C. Beaman

O. Filing Redacted, Non-public and Sealed Documents

i. Privacy Policy

Pursuant to the Judicial Conference Policy on Privacy and Public Access and in accordance with the E-Government Act of 2002, persons shall refrain from including, or shall redact where inclusion is necessary, the following personal data identifiers from their pleadings, including exhibits thereto, unless otherwise ordered by the Court:

Social Security Numbers. If an individual's social security number must be included, only the last 4 digits of that number should be used.

Names of Minor Children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.

Dates of Birth. If an individual's date of birth must be included, only the year of birth should be used.

Financial Account Numbers. If a financial account number is relevant, only the last 4 digits of such numbers should be used.

Home Addresses. If a home address must be included, only the city and state should be listed.

The responsibility for redacting these personal data identifiers rests solely with counsel and the persons filing the documents with the Court. The Clerk will not review papers for compliance.

ii. Filing Non-Public Documents

Certain civil events ask the filer, "Is this a Non-Public Document?" The answer should only be yes if the document fits the criteria as outlined in subsection I of this section.

Please note: A NEF will be generated to the filing party, to any other party who is a registered user and has requested electronic notice in that case and to the Court for all non-public documents filed.

iii. Filing Un-Redacted Documents Under Seal

A party wishing to file a sealed document may do so by conventional methods only. Sealed documents cannot be filed electronically and must be submitted to the Clerk's Office in a sealed envelope with a cover sheet. The cover sheet will be scanned and docketed by Court staff. Service of all sealed documents is the responsibility of the filer.

Please note: A NEF does not go out to anyone, including Court users, for all sealed documents.

iv. Cases Filed Under Seal

When commencing a civil action under seal, the Complaint shall be brought to the Clerk's Office in a sealed envelope with a cover sheet indicating the case should be sealed.

a. Filing Electronically

Once the initial pleadings have been filed, sealed access rights shall be given to the parties, and all subsequent documents shall be e-filed.

b. Service of Documents

Parties must not use the Court's electronic notice facilities to serve documents in sealed cases. **A NEF will not be sent on documents filed in sealed cases.** Service should be made in accordance with the Federal Rules of Civil Procedure and a certificate of service must be attached to the filed document.

c. Viewing Sealed Cases

Only parties to the case and Court users will be able to view docket entries and documents in sealed cases.

v. Documents Submitted for *In Camera* Review

A party who seeks to present a document to a Judicial Officer for *In Camera* Review, whether acting on the party's own initiative or pursuant to a Court Order, shall present the document to the Judicial Officer by mailing or hand delivering the document to the Clerk's Office or the Judicial Officer in paper.

a. Label

Any document submitted pursuant to this subsection must be clearly labeled "*For In Camera Review*".

b. Judicial Officer

A Judicial Officer who receives a document submitted for *In Camera* Review may direct the party who submits it to file the document electronically, using normal ECF procedures, or may otherwise handle and address the document as deemed most appropriate.

vi. Confidential Settlement Statements

Confidential settlement statements shall be submitted via e-mail to the appropriate Judge's Chambers set forth below:

wyddb_WFDecf@wyd.uscourts.gov - Chief Judge William F. Downes

wyddb_CABecf@wyd.uscourts.gov - Judge Clarence A. Brimmer

wyddb_ABJecf@wyd.uscourts.gov - Judge Alan B. Johnson

wyddb_WCBecf@wyd.uscourts.gov - Magistrate Judge William C. Beaman

P. Social Security Cases

Absent a showing of good cause, all documents, notices, and orders in social security reviews shall be filed and notice electronically in ECF, except as noted below.

i. Administrative Record

The administrative record will be filed and served in paper format. This document shall be made available in paper format to the Clerk's Office.

ii. Other Documents

All other documents in the case, including briefs will be filed and served electronically in ECF.

iii. Access

Pursuant to the policy of the Judicial Conference of the United States, Internet access to documents filed in social security cases is limited to attorneys of record and Court users. The public will have Internet access to docket sheets only. The public may view documents in social security cases on the public terminals in the Clerk's Office during normal business hours. Documents not filed electronically may be reviewed in the Clerk's Office.

iv. Redaction

Social security cases must comply with all redaction procedures pursuant to the E-Government Act of 2002.

Q. Emergency Matters in Bankruptcy Appeals

If a matter needs to be brought to the Court's attention before the transmittal of the Notice of Appeal, the moving party shall file the case-initiating motion in the manner outlined in Section B.

IV. E-FILING IN CRIMINAL CASES

A. Criminal Menus Available to Attorneys

See Appendix B

B. Documents Not Available for E-Filing

The following documents cannot be e-filed and shall be conventionally submitted to the Clerk's Office. The document will be scanned and uploaded into ECF by

Clerk's Office staff.
Initiating Documents - Complaints, Indictments, Informations
Grand Jury materials
Plea Agreement
Waiver of Speedy Trial
Juvenile Matters
Documents filed under seal
Documents filed by Pro Se Parties
Miscellaneous Documents - Applications for Tax Return and Return Information;
Search Warrants and Applications for Pen Registers

C. New Documents that Add or Delete Attorneys

i. Appearance

Retained counsel must file an entry of appearance. The Clerk's Office will work directly with the Federal Public Defender's Office to add appointed counsel into ECF.

ii. Withdrawal of Appearance

Withdrawal of an appearance shall be in accordance with the Court's Local Rules. Upon entry of the Order granting withdrawal, the Clerk shall terminate the movant as an attorney of record in that case in ECF.

iii. No Substitution of Counsel

There shall be no substitution of counsel without prior approval of the Court. Withdrawal and entry shall be done in accordance with the Court's Local Rules. Existing counsel may not withdraw and new counsel may not enter an appearance by filing a substitution of counsel.

D. Proposed Orders

A proposed order shall be submitted with all nondispositive motions. The proposed order shall be e-filed as an additional attachment to the motion.

If a proposed order is submitted that does not require a motion, the proposed order shall be emailed to the appropriate Judge's Chambers set forth below:

wyddb_WFDecf@wyd.uscourts.gov - Chief Judge William F. Downes

wyddb_CABecf@wyd.uscourts.gov - Judge Clarence A. Brimmer

wyddb_ABJecf@wyd.uscourts.gov - Judge Alan B. Johnson

wyddb_WCBecf@wyd.uscourts.gov - Magistrate Judge William C. Beaman

E. Service

i. Certificate of Service

A certificate of service is not necessary for an e-filed document if all parties are electronically served. A certificate of service shall be required for any service of documents by conventional methods.

Please Note: All pleadings in cases assigned to Judge Brimmer will need to be conventionally served on the parties and the Court, therefore a certificate of service is required for all pleadings. (See Order posted on the Court's website under CM/ECF Information tab).

ii. Service in an Unsealed Criminal Case

When a pleading is e-filed in an **unsealed** criminal case in accordance with these procedures, CM/ECF will generate a Notice of Electronic Filing (NEF) to the filing party, to any other party who is a registered user and has requested electronic notice in that case and to the Court.

iii. Service in a Sealed Criminal Case

When a pleading is e-filed in a **sealed** criminal case in accordance with these procedures, NEFs are not sent out. It will be the responsibility of the filing party to serve all pleadings to the appropriate parties conventionally.

iv. Terminating and Reactivating Electronic Services

A user receiving electronic service in a case may notify the Clerk's Office that service should be terminated by filing a notice stating either (a) that an order for withdrawal for the user has been granted or (b) that the party the user represents is no longer pending in the case. Counsel may file a notice re-activating service with the Court in those situations where service has been terminated. To notify the Clerk's Office you may send an email to wyodcclerks@wyd.uscourts.gov.

v. Service on Parties Not Registered for ECF

Filers are required to serve copies of any electronically filed pleading, document, or proposed order on parties not registered for ECF in accordance with the Federal Rules. When serving paper copies of documents that have been electronically filed, the filer shall include a copy of the Notice of Electronic Filing to provide the recipient with proof of the filing.

vi. Paper Copies

A filer who is permitted or required to file paper copies of documents shall file with the Clerk's Office the original and one copy, and must also serve paper copies on all parties entitled to service or notice.

F. Issuance of Subpoenas

Registered users may e-file a praecipe for the issuance of a subpoena. The subpoena(s) shall be e-filed as an additional attachment to the praecipe **in blank**. The Clerk's Office will issue the subpoenas and return them conventionally to the filer.

G. Oversized Electronic Documents; Exhibits to a Pleading, Motion Brief, or Other Paper

i. Size

The size limit for each PDF file/document filed in ECF is two megabytes (2,097,152 bytes). [Equivalent to approximately 80 pages of plain, typed text or 40 pages of scanned information.] Each electronically filed pleading exceeding the two megabyte limit requires the use of ECF's additional attachment feature.

ii. Color or Graphics

Because documents scanned in color or containing graphics take longer to upload, filers must configure scanners to scan document in black and white at 200 dots per inch (dpi).

iii. Conventionally Submitted Materials

A party may conventionally submit, without seeking leave of court, (a) exhibits or materials that cannot be converted to electronic form (e.g., video tape, audio tape, etc.) or (b) voluminous records of administrative agencies in proceedings to review actions of such agencies or of state court proceedings in habeas corpus cases, where such records are not available in electronic format. Conventionally submitted materials must be submitted according to the following procedure.

a. Cover Page

Conventionally submitted materials shall be submitted with a paper cover page containing the case caption, a description of the materials submitted, and a designation of the pleading or motion to which the materials relate (e.g., "Videotape Deposition of John Doe, Exhibit 7 to Plaintiff's Motion for Summary Judgment"). The PDF version of the cover page shall be an ECF attachment to the electronically filed pleading, motion, or paper to which the materials relate.

b. Receipt of Conventionally Submitted Materials

The Clerk's office will note in ECF its receipt of the conventionally submitted materials with a text-only entry.

c. Service

The filer must serve the conventionally submitted materials on all other parties. The NEF generated by the electronic filing of the cover page and by the Court's text-only entry noting receipt of the materials shall not constitute service.

H. Trial Documents

Trial documents such as proposed jury instructions, exhibit lists, and proposed voir dire questions shall be electronically filed in ECF so that their filing can be part of the official record. The Court may impose additional requirements to facilitate the use of documents at trial (e.g. require that a Word Perfect or Word version of the documents be submitted via e-mail to the appropriate Judge's chambers).

I. Docket Entries to be Made by the Filer

i. Title of Docket Entry

The filer is responsible for designating an appropriate docket entry title by using one of the docket event categories in ECF. If the filer is in doubt, he or she should contact the ECF help desk for assistance.

ii. Correction of Docket Entry

After a document is filed in ECF, corrections to the docket can only be made by the Clerk's Office. ECF will not permit the filer to make changes to a document or docket entry after the transaction has been submitted.

J. Correction of Filings

i. Document Filed in Error in Correct Case

A document filed in error in the correct case (e.g., wrong version of the document attached, wrong event code, etc.) shall remain part of the record as filed. Upon discovery of an error, the filer shall immediately post the correct document in the case in ECF, and modify the title of the pleading as appropriate (e.g., Amended).

ii. Document Filed in Wrong Case

If a document is filed in the wrong case the filer shall:

- a.** File a motion with proposed order requesting that the document be stricken in the case in which the incorrect filing was made; and
- b.** File the document in the correct case.

K. Appeals in General

When a notice of appeal is e-filed, it is not necessary to provide the Court with paper copies of the notice for service on the other parties. The NEF generated by the system will constitute the copy the Clerk is required to serve under Fed.R.App.P.3(d). Please note: Any required filing fee shall be submitted separately to the Clerk's Office.

L. Bonds and Negotiable Instruments

Upon the electronic filing of a surety bond or the attaching of a negotiable instrument, the original shall be transmitted to the Clerk's office with a cover page noting that this document has been filed electronically and that the original is being filed in accordance with the Electronic Case Filing Procedures for the District of Wyoming.

M. Filing Redacted, Non-public and Sealed Documents

i. Privacy Policy

Pursuant to the Judicial Conference Policy on Privacy and Public Access and in accordance with the E-Government Act of 2002, persons shall refrain from including, or shall redact where inclusion is necessary, the

following personal data identifiers from their pleadings, including exhibits thereto, unless otherwise ordered by the Court:

Social Security Numbers. If an individual's social security number must be included, only the last 4 digits of that number should be used.

Names of Minor Children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.

Dates of Birth. If an individual's date of birth must be included, only the year of birth should be used.

Financial Account Numbers. If a financial account number is relevant, only the last 4 digits of such numbers should be used.

Home Addresses. If a home address must be included, only the city and state should be listed.

The responsibility for redacting these personal data identifiers rests solely with counsel and the persons filing the documents with the Court. The Clerk will not review papers for compliance.

ii. Filing Non-Public Documents

The following criminal pleadings are automatically deemed non-public by CM/ECF and personal identifiers do not need to be redacted:

Statement of Elements filed in conjunction with Prosecutor's Statement
Prosecutor's Statement

Motion for (Downward) Departure

Ex Parte Motion Requesting

Motion to Reduce Sentence

Petition/Motion for Writ of Habeas Corpus Ad Prosequendum

Petition/Motion for Writ of Habeas Corpus Ad Testificandum

Witness List

Sentencing Memorandum

Certain criminal events ask the filer, "Is this a Non-Public Document?"

The answer should only be yes if the document fits the criteria as outlined in subsection I of this section.

Please note: A NEF will be generated to the filing party, to any other party who is a registered user and has requested electronic notice in that case and to the Court for all non-public documents filed.

iii. Filing Un-Redacted Documents Under Seal

A party wishing to file a sealed document may do so by conventional methods only. Sealed documents cannot be filed electronically and must be submitted to the Clerk's Office in a sealed envelope with a cover sheet.

The cover sheet will be scanned and docketed by Court staff. Service of all sealed documents is the responsibility of the filer.

Please note: A NEF does not go out to anyone, including Court users, for all sealed documents.

iv. Ex Parte Motions

Pursuant to the Judicial Conference Policy on Privacy and Public Access, all ex parte requests for authorization of investigative, expert or other services pursuant to the CJA Act must be declared non-public when filed; Any other ex parte requests do not need to be declared non-public and will be available to the public.

Please note: A NEF will be generated to the filing party, to any other party who is a registered user and has requested electronic notice in that case and to the Court for any ex parte motion that is filed regardless of its designation as a non-public document.

v. Cases Filed Under Seal

All criminal cases in the District of Wyoming are deemed sealed until every defendant has made an Initial Appearance in this District. Counsel of record are permitted to e-file pleadings in a sealed criminal case, but NEFs do not get sent out. It will be the responsibility of the filing party to serve any documents e-filed to all appropriate parties.

a. Filing Electronically.

Once the initial pleadings have been filed, sealed access rights shall be given to the parties, and all subsequent documents shall be filed using ECF.

b. Service of Documents.

Parties must not use the Court's electronic notice facilities to serve documents in sealed cases. **A NEF will not be sent for documents filed in sealed cases.** Service should be made in accordance with the Federal Rules of Civil Procedure and a certificate of mailing must be attached to the filed document.

c. Viewing Sealed Cases.

Only parties to the case and Court users will be able to view docket entries and documents in sealed cases.

vi. Documents Submitted for *In Camera* Review

A party who seeks to present a document to a Judicial Officer for *In Camera* Review, whether acting on the party's own initiative or pursuant to a Court Order, shall present the document to the Judicial Officer by mailing or hand delivering the document to the Clerk's Office or the Judicial Officer in paper.

a. Label

Any document submitted pursuant to this subsection must be clearly labeled “*For In Camera Review*”.

b. Judicial Officer

A Judicial Officer who receives a document submitted for *In Camera Review* may direct the party who submits it to file the document electronically, using normal ECF procedures, or may otherwise handle and address the document as deemed most appropriate.

APPENDIX A
Events Available to Attorneys
Civil Menus

Complaints - Not available to attorneys

Orders on Motions - Not available to attorneys

Other Orders/Judgments - Not available to attorneys.

Minutes Entries - Not available to attorneys.

Other Events - Not available to attorneys.

INITIATING PLEADINGS & SERVICES

Service of Process Menu

- Acceptance of Service
- Alias Summons Returned Executed
- Alias Summons Returned Unexecuted
- Certificate of Service
- Praecipe
- Service by Publication
- Summons Returned Executed
- Summons Returned Unexecuted
- Waiver of Service Executed
- Waiver of Service Issued
- Writ Returned

Answer to Complaints

Other Answers

- Amended Answer
- Answer to Writ of Garnishment
- Objection to Report & Recommendation
- Response to 2255

MOTIONS AND RELATED FILINGS

Motions Menu

- Add Party
- Alter/Amend Judgment
- Amend/Correct
- Appeal *In Forma Pauperis*
- Appear *Pro Hac Vice*
- Appoint Counsel
- Appoint Guardian/Attorney ad Litem
- Approve Consent Judgment
- Attorney Fees
- Bifurcate

Certificate of Appealability
Certify Class
Change Venue
Compel
Consolidate Cases for Discovery
Consolidate Cases for Trial
Continue
Default Judgment
Deposit Funds
Directed Verdict
Disbursement of Funds
Dismiss
Dismiss Case
Dismiss Party
Dismiss/Lack of Jurisdiction
Disqualify
Electronic Case
Enforce Judgment
Enforce Settlement Agreement
Entry of Default
Expedite
Extension of Time
File Excess Pages - Dispositive
File Excess Pages - Non-Dispositive
File Reply/Brief/Supplement
Hearing - Dispositive
Hearing - Non-Dispositive
In Camera Inspections
In Limine
Intervene
Judgment
Judgment Debtor Exam
Lift Stay
New Trial
Order
Partial Summary Judgment
Permanent Injunction
Preliminary Injunction
Proceed *In Forma Pauperis*
Protective Order
Quash
Reconsideration
Recusal
Remand
Sanctions
Set Aside
Settlement Conference
Show Cause
Stay Case
Stay Discovery

- Strike
- Substitute Attorney
- Substitute Party
- Summary Judgment
- Temporary Restraining Order
- Vacate
- Withdraw Document
- Withdraw As Attorney
- Writ of Habeas Corpus ad prosequendum
- Writ of Habeas Corpus ad testificandum

Supporting Documents/Responses and Replies Menu

- Brief
- Memorandum in Opposition
- Memorandum in Opposition to Motion
- Memorandum in Support
- Memorandum in Support of Motion
- Objection
- Opposition
- Proposed Findings of Fact and Conclusions of Law
- Reply
- Reply Brief
- Reply to Response
- Response
- Response in Opposition to Motion
- Response in Support of Motion
- Response to Motion

OTHER FILINGS

Notice Menu

- Notice (Other)
- Notice of Attorney Appearance
- Notice of Change of Address
- Notice of Complexity
- Notice of Complexity (Non)
- Notice of Compliance with Court Order
- Notice of Settlement
- Notice of Voluntary Dismissal
- Suggestion of Bankruptcy
- Suggestion of Death

Trial Documents Menu

- Designation
- Designation of Experts
- Exhibit List
- Exhibit/Witness List
- Pretrial Memorandum
- Proposed Findings of Fact

Proposed Jury Instructions
Proposed Verdict
Proposed Voir Dire
Trial Brief
Witness List

Appeal Menu

Amended Designation of Record on Appeal
Amended Notice of Appeal
Appeal of Magistrate Judges Order
Bankruptcy Appeal - Designation
Bankruptcy Appeal - Supplemental Designation
Designation of Record on Appeal
Notice of Appeal
Notice of Cross Appeal
Notice of Interlocutory Appeal
Transcript Request - Appeal
Transcript Request - Bankruptcy

Other Documents

Affidavit
Appendix
Application
Application for Writ
Bill of Costs
Corporate Disclosure
Errata
Exhibit
Joinder
Jury Demand
Report of Rule 26(f) Planning Meeting
Request for Entry of Default
Request for Hearing
Response to Order to Show Cause
Return of Sale
Satisfaction of Judgment
Statement
Status Report
Stipulation
Stipulation of Dismissal
Stipulation of Facts
Supplement

APPENDIX B

EVENTS AVAILABLE TO ATTORNEYS CRIMINAL MENUS

PLEAS AND PLEA-RELATED DOCUMENTS

Event	Comments
Elements of the Crime/Prosecutors Statement	(Non-Public)
Prosecutor's Statement	(Non-Public)
Statement of Elements	
Plea Agreements will have to be filed over the counter because original signatures must be maintained in the court file.	

RESPONSES, REPLIES AND OBJECTIONS

Event	Comments
Affidavit in Opposition to Motion	
Affidavit in Support of Motion	
Memorandum	
Memorandum in Opposition	
Memorandum in Support	
Objection(s)	
Objection to Pre-sentence Investigation Report	
Objection to Report and Recommendation	
Reply	
Response	
Response to Motion	

MOTIONS

Event	Comments
Additional Motions	
Amend/Correct	
Appeal in Forma Pauperis	
Appeal Pro Hac Vice	
Appoint Counsel	
Arraignment	
Bill of Particulars	
Bond/Review of Detention	
Brady Materials	
Change Venue	
Compel	
Continue	
Departure	(Non-Public) - Automatically converts text to read "Motion for Order"
Detention Hearing	
Directed Verdict	
Disclosure	
Discovery	
Dismiss	
Disqualify	
Early Termination of Probation	
Ex Parte Motion	(Non-Public) - Message will be displayed that if the document is truly Ex Parte it needs to be brought to the Clerk's Office in a manilla envelope
Exclude	
Expedite	
Expert Services	
Extend	
Forfeiture	

Event	Comments
Grand Jury Transcripts	
Hand Writing Exemplars	
Hearing	
In Limine	
Initial Appearance	
Inspect	
Issuance of Subpoenas	
Issuance of Warrant	
Issuance of Warrant in rem	
James Hearing	
Join	
Judgment of Acquittal	
Leave to	
Medical/Mental Exam	
Mistrial	
Modify	
Modify Conditions of Release	
New Trial	
Order	
Produce	
Quash	
Reconsideration	
Recusal	
Reduce Sentence	(Non-Public) - Automatically converts text to read "Motion for Order"
Release Bond Obligation	Attorney will have the opportunity to make document Non-Public
Release of Funds	Attorney will have the opportunity to make document Non-Public
Remand	
Return of Property	

Event	Comments
Revoke	
Sanctions	
Seal Case	Attorney will have the opportunity to make document Non-Public
Seal Document	Attorney will have the opportunity to make document Non-Public
Separate Trial on Counts	
Set Aside Forfeiture	
Set Aside Judgment	
Set Aside Verdict	
Sever Defendant	
Show Cause	
Strike	
Substitute Attorney	
Suppress	
Transcripts	
Transportation/Subsistence	
Unseal Case	
Unseal Document	
Vacate	
Withdraw as Attorney	
Withdraw of Document	
Withdraw of Plea of Guilty	
Writ of Habeas Corpus Ad Prosequendum	(Non-Public)
Writ of Habeas Corpus ad testificandum	(Non-Public)

WAIVERS

Event	Comments
Waiver of Counsel	
Waiver of Interstate Agreement on Detainers	
Waiver of Minimum Time to Trial	
Waiver of Preliminary Examination of Hearing	
Waiver of Rule 5 Hearings	
Waiver of speedy trial will have to be filed over the counter because original signatures must be maintained in the court file.	

SERVICE OF PROCESS

Event	Comments
Certificate of Service	
Praecipe for Subpoenas	
Praecipe for Summons	(Non-Public)

NOTICES

Event	Comments
Notice (Other)	
Notice of Seeking Enhanced Penalties	
Notice of Attorney Appearance - Defendant	
Notice of Attorney Appearance - USA	
Notice of Attorney Intent to Withdraw	
Notice of Intent - Expert Testimony	

TRIAL DOCUMENTS

Event	Comments
Exhibit List	
Proposed Jury Instructions - Cited	
Proposed Jury Instructions - Uncited	
Proposed Verdict	
Proposed Voir Dire	
Stipulation to Jury	
Witness List	(Non-Public)

APPEAL DOCUMENTS

Event	Comments
Amended Designation of Record on Appeal	
Designation of Record on Appeal	
Notice of Appeal	
Notice of Appeal in Magistrate Case	
Notice of Cross Appeal	
Notice of Interlocutory Appeal	
Transcript Request - Appeal	

OTHER DOCUMENTS

Event	Comments
Affidavit	
Consent to Trial Before US Magistrate Judge	
Information to Establish Prior Conviction	
Redacted Document	
Satisfaction of Judgment	
Sentencing Memorandum	(Non-Public)
Statement of Rights	
Status Report	

Stipulation	
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APPENDIX C
IMPORTANT NUMBERS/WEBSITES

HELP DESK
1-866-333-2099

CASPER CLERK'S OFFICE
111 S. Wolcott, Rm 121
Casper, WY 82601
307-232-2620

CHEYENNE CLERK'S OFFICE
2120 Capitol Ave., Rm 2141
Cheyenne, WY 82001
307-433-2120

DISTRICT OF WYOMING WEBSITE
<http://www.ck10.uscourts.gov/wyoming/district/index.html>

CM/ECF SYSTEM
<https://ecf.wyd.circ10.dcn>

PACER WEBSITE
<http://pacer.psc.uscourts.gov>

E-MAIL ADDRESSES

Clerk's Office - General Mailbox
wyodcclerks@wyd.uscourts.gov

Chief Judge William F. Downes' Chambers' Mailbox
wyddb_WFDecf@wyd.uscourts.gov

Judge Clarence A. Brimmer's Chambers' Mailbox
wyddb_CABecf@wyd.uscourts.gov

Judge Alan B. Johnson's Chambers' Mailbox
wyddb_ABJecf@wyd.uscourts.gov - Judge Alan B. Johnson

Magistrate Judge William C. Beaman's Chambers' Mailbox
wyddb_WCBecf@wyd.uscourts.gov